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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,215	10/23/2003	Kasy Srinivas	MS306690.1/MSFTP534US	8230

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CLEVELAND, OH 44114

EXAMINER
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HARPER, LEON JONATHAN

ART UNIT	PAPER NUMBER
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2166

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/692,215

Applicant(s)

SRINIVAS ET AL.

Examiner

Leon J. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/5/2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 10/5/2006 has been entered. Applicant affirms the restriction requirement and proceeds with the invention associated with claims 1-16. Claims 1 and 4 have been amended. Claims 3 and 5 have been canceled. Accordingly claims 1,2,4, 6-16 are pending in this office action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,2,4,6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6564263 (hereinafter Berg) (art of record) in view of US 5990883 (hereinafter Byrne) (art of record).

As for claim 1 Berg discloses: a management component (See column 5 lines 20-23 server is the management component), and a multimedia file system, wherein the management component manages the disparate files as of data within the multimedia file system (See column 6 lines 39-45), the management component establishes links between disparate files via forming relationships with one or more contact items (See column 7 line 65- column 8 line 4 note: the server can transform any item into any other item for the purpose of structure linking also for more explicit disclosure see column 14 lines 23-26), the one or more contact items include one or more of information related to a phone number, an address and a link to emails (See column 21 lines 5-8 note: a web address is still an address).

While Berg does not differ substantially from the claimed invention, the disclosure of as one entity is not necessarily explicit. Byrne however does disclose multiple files as one entity (See column 4 lines 20-25). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching on Byrne into the system of Berg. The modification would have been obvious because the combination of

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these methods provide a convenient way for a user to review and select content from a variety of physical sources (See Byrne column 1 lines 54-58).

As for claim 2, the rejection of claim 1 is incorporated, and further Berge discloses: the disparate files comprise one or more of audio, video, image and document files (See column 8 lines 22,28,37,40 for an audio, video, and image example).

As for claim 4, the rejection of claim 3 is incorporated, and further Berg discloses: the management component utilizes the one or more contact items in connection with querying across and within the disparate files (See column 5 lines 20-25).

As for claim 6, the rejection of claim 1 is incorporated, and further Berg discloses: the management component locates, associates and suggests metadata for a received file, the suggested metadata includes information indicative of a level confidence that the suggested metadata corresponds to the received file (See column 14 lines 62-66).

As for claim 7, the rejection of claim 6 is incorporated, and further Berg discloses: at least one of the suggested metadata is manually selected by user or automatically selected by the management component and associated with the file (See column 9

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lines 63-65: the exception means it is not automatically generated but is manually selected).

As for claim 8, the rejection of claim 1 is incorporated, and further Berg discloses: the management component resolves an association between a received file and an originating source of the received file (See column 14 lines 20-25 note: the relationships between the old files and new version are maintained).

As for claim 9, the rejection of claim 8 is incorporated, and further Berg discloses: the management component stores an original and the resolved association with the received file (See column 10 lines 1-10).

As for claim 10, the rejection of claim 1 is incorporated, and further Byrne discloses: the management component associates one or more ratings with a file (See column 6 line 37).

As for claim 11, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings comprises one or more of a parental, a quality and a user rating (See column 9 line 1-11 note: there is a different rating system id for each of the rating types).

As for claim 12, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings is associated with one or more of an audio, a movie and a television rating (See column 9 lines 1-10 note these are tv ratings).

As for claim 13, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings is employed in connection with querying across the disparate files (See column 9 lines 1-10 note: all of these tables can be searched or queried).

As for claim 14, the rejection of claim 1 is incorporated, and further Berg discloses: the management component maintains a history of a stored file (See column 10 lines 1-10 different versions = history).

As for claim 15, the rejection of claim 14 is incorporated, and further Berg discloses: the file history is utilized in connection with intelligent decision-making to automate at least one of execution, manipulation and access to the file (See column 10 lines 11- 15 transformation is a manipulation).

As for claim 16, the rejection of claim 1 is incorporated, and further Byrne discloses: the management component generates one or more sub- parts for video, the sub-parts are associated with respective portions of the video and can be utilized to return to respective portions of the video (See column 11 lines 5-10).

***Response to Arguments***

Applicant's arguments filed 10/5/2006 have been fully considered but they are not persuasive.

**Applicant argues:**

Bergman et al. is silent regarding establishing links between disparate files via forming relationships with contact items including information related to a phone number, a mailing address and a link to emails as recited in independent claim 1. Therefore, Bergman et al. fails to teach or suggest every limitation of the subject claims.

**Examiner responds:**

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation during patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case for searching, retrieving and general managing the system of Berg assigns each image or video a set of terms that are automatically extracted from the parent web document and web address (See column 21 lines 4-8). The way the current



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claim reads the management component must establish links between disparate files via forming relationships with *one or more contact item* (See claim 1).

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

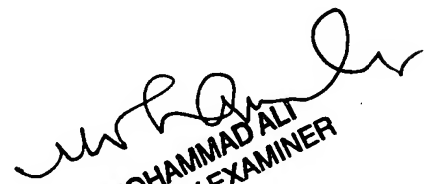
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH  
Leon J. Harper  
December 1, 2006

  
MOHAMMAD ALI  
PRIMARY EXAMINER